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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,794	08/24/2000	Robert Wallach	4090-4002	3551
27123	7590	03/03/2006		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER FRENEL, VANEL	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,794

Applicant(s)

WALLACH ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-7,13-17,19-22,68,70,71 and 76-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7, 13-17 19-22, 68,70,71 and 76-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 07/29/05. Claims 1-3, 13-17, 68, 70-71, 76-78 have been amended. Claims 4, 8-12, 18, 23-67 and 72 have been canceled. Claims 1-3, 5-7, 13-17, 19-22, 68-71, 73-78 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 13-17, 68, 70-71, 76-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over (FIXED- RATE MORTGAGE STILL POPULAR BY Ruth Richey. Richmond Times- Dispatch. Richmond, Va, March 16, 1986; pg. J-3) in view of Life cycle of a net-leased property by (Cline, Leonard A. Real Estate Review. New YORK: 1997. Vol. 27, Iss.3; pg.34, 5 pgs).

(A) As per claim 1, Ruth discloses of "or lease", "receiving a third indication of a first time period in which a periodic payment is due, and a second time period in which the buyer must pay a financial balance corresponding to the item, the financial balance corresponding to a loan amount or a lease amount (See Ruth, Page 1, Paragraphs 1-3).

Ruth does not explicitly disclose that the method having the second time period being greater than 1 year", "second", "first time period".

However, this feature is known in the art, as evidenced by Cline. In particular, Cline suggests that method having the second time period being greater than 1 year", "second", "first time period" (See Cline, Page 1, Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Cline within the "Fixed-rate mortgage still popular" of Ruth with the motivation of amortizing the loan over a 30-year period, with a balloon principal payment at the end of 20 years.

(B) As per claims 2- 3, 16-17, 70-71, Ruth discloses "second time period" (See Ruth, Page 1, Paragraphs 1-3).

(C) As per claim 13-15, Ruth discloses "or lease", "first time period in which a periodic payment is due, and a second time period in which the buyer must pay a financial balance corresponding to the item, the financial balance corresponding to a loan amount or a lease amount (See Ruth, Page 1, Paragraphs 1-3).

Ruth does not explicitly disclose that the apparatus having the second time period being greater than 1 year", "second time period", "first time period".

However, this feature is known in the art, as evidenced by Cline. In particular, Cline suggests that the apparatus having the second time period being greater than 1 year", "second time period", "first time period" (See Cline, Page 1, Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Cline within the "Fixed-rate mortgage still

popular” of Ruth with the motivation of amortizing the loan over a 30-year period, with a balloon principal payment at the end of 20 years.

(D) As per claim 68, Ruth discloses “a periodic payment for (1) a purchase or lease of an item and (2)”, “first time period in which said periodic payment is due, and a second time period” (See Ruth, Page 1, Paragraphs 1-3).

Ruth does not explicitly disclose that the method having “the second time period being greater than 1 year”, “second time period”, “and calculating a periodic payment on a computer to pay for the lease or sale of the item and the calculated insurance premium”.

However, this feature is known in the art, as evidenced by Cline. In particular, Cline suggests that the method having “the second time period being greater than 1 year”, “second time period”, “and calculating a periodic payment on a computer to pay for the lease or sale of the item and the calculated insurance premium” (See Cline, Page 1, Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Cline within the “Fixed-rate mortgage still popular” of Ruth with the motivation of amortizing the loan over a 30-year period, with a balloon principal payment at the end of 20 years.

(E) As per claim 76, Ruth discloses “or lease”, “first time period in which a periodic payment is due, and a second time period in which the buyer must pay a financial

balance corresponding to the item, the financial balance corresponding to a loan amount or a lease amount (See Ruth, Page 1, Paragraphs 1-3).

Ruth does not explicitly disclose that the apparatus having the second time period being greater than 1 year", "second time period".

However, this feature is known in the art, as evidenced by Cline. In particular, Cline suggests that the method having the second time period being greater than 1 year", "second time period" (See Cline, Page 1, Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Cline within the "Fixed-rate mortgage still popular" of Ruth with the motivation of amortizing the loan over a 30-year period, with a balloon principal payment at the end of 20 years.

(F) As per claims 77-78, Ruth discloses "receiving a third indication of a first time period in which a periodic payment is due, and a second time period in which the buyer must pay a financial balance corresponding to the item, the financial balance corresponding to a loan amount or a lease amount (See Ruth, Page 1, Paragraphs 1-3).

Ruth does not explicitly disclose that the apparatus having the second time period being greater than 1 year", "second time period".

However, this feature is known in the art, as evidenced by Cline. In particular, Cline suggests that the apparatus having the second time period being greater than 1 year", "second time period" (See Cline, Page 1, Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Cline within the "Fixed-rate mortgage still popular" of Ruth with the motivation of amortizing the loan over a 30-year period, with a balloon principal payment at the end of 20 years.

4. Claims 5-7 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over (FIXED- RATE MORTGAGE STILL POPULAR BY Ruth Richey. Richmond Times-Dispatch. Richmond, Va, March 16, 1986; pg. J-3) in view of Life cycle of a net-leased property by (Cline, Leonard A. Real Estate Review. New YORK: 1997. Vol. 27, Iss.3; pg.34, 5 pgs) as applied to claims 1-3, 13-17, 68, 70-71, 76-78 above, and further in view of Lease, Buy or Reimburse Outside Sales Vehicles by Battersby, Mark E. Agency Sales. Irvine: Oct. 1996. Vol.16, Iss. 10; pg.55, 3 pgs.

(A) As per claims 5 and 19, Ruth and Cline do not explicitly disclose that the method wherein the item is an automobile.

However, this feature is known in the art, as evidenced by Battersby. In particular, Battersby suggests that the method wherein the item is an automobile (See Battersby, Page 1, Paragraph 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Battersby within the collective teachings of Ruth and Cline with the motivation of providing sales agency to make periodic lease payments, fully tax deductible, that constitute the leasing company's interest cost, its

profit, and, sometimes, its cost for the leased vehicle (See Battersby, Page 1, Paragraph 1).

(B) As per claims 6 and 20, Battersby discloses the method wherein the periodic, recurring amount is charged monthly (See Battersby, Page 1, Paragraph 1).

The motivation for the combining the respective teachings of Ruth, Cline and Battersby as are discussed in claim 5 above, and incorporated herein.

(C) As per claims 7 and 21, Battersby discloses the method further comprising: receiving a fourth indication of an interest rate to be applied to at least one of the financial balance and the insurance premium, wherein said calculating further includes: calculating the periodic recurring amount further based on the interest rate (See Battersby, Page 1, Paragraph 1).

The motivation for the combining the respective teachings of Ruth, Cline and Battersby as are discussed in claim 5 above, and incorporated herein.

(D) As per claim 22, Battersby discloses the method wherein said sale comprises a lease of the item (See Battersby, Page 1, Paragraph 1).

The motivation for the combining the respective teachings of Ruth, Cline and Battersby as are discussed in claim 5 above, and incorporated herein.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3, 5-7, 13-17, 19-22, 68-71, 73-78 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches Yamaha to get

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insurance plan OK'D BY Jan.1, Orange County Business Journal, p4; Dec.2, 1990 and DEBT MANAGEMENT SYSTEM (2005/0097033).

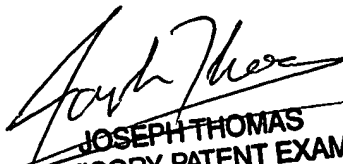
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F
V.F

October 29, 2005


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER